

UNITED STATES DISTRICT COURT  
Northern District of California

DEVELOPERS SURETY AND INDEMNITY  
COMPANY, an Iowa Corporation,

Plaintiff(s),

v.

A-1 SEPTIC CONSTRUCTION, INC., a  
California Corporation; ROBERT PIDDOCK,  
an individual; CAROLE PIDDOCK, an  
individual,

Defendant(s).

No. C 10-0616 JSW (MEJ)

**ORDER REQUESTING  
SUPPLEMENTAL BRIEFING**

Pending before the Court is Plaintiff's motion for attorneys' fees and costs, scheduled for a hearing on October 7, 2010. (Dkt. #45.) Upon review of Plaintiff's submissions, the Court notes that Plaintiff has not provided any evidence which shows that the rates its counsel seeks are in line with the prevailing market rates in this district. In the Ninth Circuit, reasonable rates are to be calculated according to the prevailing market rates in the relevant community, with close attention paid to the fees charged by lawyers of reasonably comparable skill, experience, and reputation." *Davis v. City and County of San Francisco*, 976 F.2d 1536, 1546 (9th Cir. 1992) (internal citations and quotations omitted). "The fee applicant has the burden of producing satisfactory evidence, in addition to the affidavits of its counsel, that the requested rates are in line with those prevailing in the community for similar services of lawyers of reasonably comparable skill and reputation." *Jordan v. Multnomah County*, 815 F.2d 1258, 1263 (9th Cir. 1987). "Affidavits of the plaintiff's attorney and other attorneys regarding prevailing fees in the community, and rate determinations in other cases, particularly those setting a rate for the plaintiff's attorney, are satisfactory evidence of

1 the prevailing market rate.” *United Steelworkers of America v. Phelps Dodge Corp.*, 896 F.2d 403,  
2 407 (9th Cir.1990).

3 Accordingly, the Court ORDERS Plaintiff to file a supplemental declaration which  
4 establishes that the rates its counsel seeks are in line with the prevailing market rates in the Northern  
5 District of California. Plaintiff should be mindful that the declaration addresses the standard above.  
6 The declaration shall be filed by September 30, 2010.

7 **IT IS SO ORDERED.**

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9 Dated: September 22, 2010

  
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10 Maria-Elena James  
11 Chief United States Magistrate Judge  
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